



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3066**, the “**SOUTH CAROLINA RESTRUCTURING ACT OF 2011**”. This legislation establishes the **DEPARTMENT OF ADMINISTRATION** under the executive branch of state government. The Department of Administration is headed by a director appointed by the Governor with the advice and consent of the General Assembly. The following offices, divisions or components of the State Budget and Control Board, Office of Governor, or other agencies are transferred to and incorporated into the Department of Administration:

- Division of General Services including Facilities Management, Business Services together with Fleet Management, and Property Services;
- Office of Human Resources;
- Office of Executive Policy and Programs, except for the State Ombudsman and Children's Services programs which are contained within this office;
- Office of Economic Opportunity;
- Developmental Disabilities Council;
- Children's Foster Care;
- Veterans Affairs;
- Commission on Women;
- Victims Assistance;
- Procurement Services Division of the State Budget and Control Board;
- State Energy Office;
- Division of State Chief Information Officer of the State Budget and Control Board;
- Employee Insurance Program; and
- Guardian Ad Litem program.

However, the Division of General Services shall not be transferred to the Department of Administration until the director of the Department of Administration enters into a memorandum of understanding with appropriate officials of applicable legislative and judicial agencies or departments regarding certain matters. The Department of Administration also includes an Executive Budget Office charged with conducting analysis, coordinating executive agency requests for funding and evaluating program performance. All transactions involving real property, made for or by any governmental bodies, excluding political subdivisions of the State, must be approved by and recorded with the Department of Administration, except that a transfer of real property exceeding one million dollars in value shall instead be approved by the Budget and Control Board. Whenever the Budget and Control Board maintains any responsibility related to a program administered by the Department of Administration, the board is authorized to receive and expend revenues generated by the programs to support the board's responsibilities related to the programs. The Department of Administration shall use the existing resources of each division transferred to the department. The legislation allows the Department of Administration to receive an equitable allocation of funding, personnel, equipment and supplies from the Budget and Control Board. During the year 2015, the Legislative Audit Council shall conduct a performance review of the provisions of this legislation to determine its effectiveness and achievements. The General Assembly shall undertake a joint oversight review investigation of the Department of Administration during the department's fifth year of operation. Additionally, the Small

and Minority Business Assistance Office, currently located within the Governor's Office of Executive Policy and Programs, is transferred to the Office of the Secretary of State. The Continuum of Care for Emotionally Disturbed Children Division is transferred from the Governor's Office to the Department of Mental Health.

H.3066 includes provisions for **LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS**. In order to determine whether laws and programs addressing subjects within the jurisdiction of a legislative committee are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or eliminated, this legislation provides that each standing committee shall review and study on a continuing basis: (1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction; (2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction; and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction. The legislation includes provisions for the assignment of agencies to standing committees; there are also provisions for joint investigating committees. Each standing committee must conduct oversight studies and investigations at least once every seven years on all agencies within its jurisdiction. Also a standing committee may by a majority vote initiate a study or an investigation of an agency within its jurisdiction. An investigating committee may vest its investigative authority in a subcommittee. The legislation includes provisions detailing how an investigating committee may acquire evidence or information, including requiring an agency to prepare and submit a program evaluation report. The chairman of the investigating committee may direct the Legislative Audit Council to perform a study of the program evaluation report or to perform its own audit of the program or operations being studied or investigated by the investigating committee. All testimony given to the investigating committee must be under oath. All witnesses are entitled to counsel, and a witness shall be given the benefit of any privilege which he may have claimed in court as a party in a civil action. Anyone who wilfully gives false, materially misleading, or materially incomplete testimony under oath is guilty of the felony offense of contempt of the General Assembly subject to a fine within the discretion of the court and/or imprisonment for not more than five years. The legislation also establishes the felony offense of criminal contempt for persons subpoenaed to attend as a witness before either house of the legislature or a legislative committee.

The House approved and sent to the Senate **H.3152**, a **PROPOSED CONSTITUTIONAL AMENDMENT ALLOWING THE JOINT ELECTION OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR**. Under the proposal, a gubernatorial candidate would, beginning with the general election of 2014, select a running mate to fill the position of Lieutenant Governor in a manner similar to the election of the President and Vice President at the national level. The joint resolution further provides that the General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected. If approved by the General Assembly, the proposed amendment to the South Carolina Constitution must be submitted to the state's voters at the next general election.

The House approved and sent to the Senate **H.3070**, a **PROPOSED CONSTITUTIONAL AMENDMENT ALLOWING FOR THE APPOINTMENT OF THE SUPERINTENDENT OF EDUCATION BY THE GOVERNOR**. This joint resolution

proposes to amend the South Carolina Constitution so as to remove the Superintendent of Education from the list of officers who are required to be elected statewide. The legislation provides, instead, that the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the General Assembly. The joint resolution further provides that the General Assembly shall provide by law for the duties, compensation, and qualifications for the office and the procedures for removal from office. If approved by the General Assembly, the proposed amendment to the South Carolina Constitution must be submitted to the state's voters at the next general election.

The House approved and sent to the Senate **H.3668**, a bill that **REPEALS A PROVISION RELATING TO THE DRIVER'S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION** as recommended by the South Carolina Sentencing Reform Commission.

The House amended, approved, and sent to the Senate **H.3621**, a bill relating to **TASTINGS CONDUCTED AT RETAIL LIQUOR STORES**. The legislation revises provisions governing the sampling of wines containing over sixteen percent by volume of alcohol, cordials, and other distilled spirits so as to permit retailers to conduct tastings. The legislation also provides that the sample is limited to products from no more than one wholesaler at one time. All product samples used for tastings must be purchased by the retailer from a South Carolina Licensed Wholesaler. All associated costs for the tasting must be paid for by the manufacturer, the retailer, or its agent, conducting the tasting. Current law provides that at least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. This legislation further provides that the letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings.

The House amended, approved, and sent to the Senate **H.3478**, dealing with **MOTOR FUEL BLENDING**. This bill provides that the requirements relating to petroleum products and diesel fuel suitable for blending for sale of unblended products without necessary additives, recordkeeping and registration, enforcement, wholesaler responsibility, liability and notice, applies to every terminal operator, every supplier, permissive supplier and refiner or any entity that is involved in the bulk transfer of motor fuel in the state. In addition, the bill adds that the Department of Revenue has the authority to investigate and prosecute any violations.

The House amended, approved, and sent to the Senate **H.3586**, regarding the enhancement of **FISHING PIERS**. The legislation requires no permits for associated amenity structures constructed on fishing piers if local government has the responsibility for the planning and zoning to authorize construction of those amenity structures. In addition, associated amenity structures do not include those used as overnight accommodations or those consisting of more than two stories above the pier decking.

The House amended, approved, and sent to the Senate **H.3587**, regarding **DREDGING CANALS**. This legislation adds an exemption for maintenance dredging in existing navigational canals in the Cherry Grove community.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Tuesday, March 1, 2011, and reported out four bills.

H.3113, regarding **OPEN SEASON FOR ANTLERED DEER** received a favorable with amendment report from the committee. The legislation moves Horry County to Game Zone 5 (Georgetown County).

The committee gave a favorable with amendment recommendation to **H.3478**, dealing with **MOTOR FUEL BLENDING**. This bill provides that the requirements relating to petroleum products and diesel fuel suitable for blending for sale of unblended products without necessary additives, recordkeeping and registration, enforcement, wholesaler responsibility, liability and notice, applies to every terminal operator, every supplier, permissive supplier and refiner or any entity that is involved in the bulk transfer of motor fuel in the state. In addition, the bill adds that the Department of Revenue has the authority to investigate and prosecute any violations.

H.3586, regarding the enhancement of **FISHING PIERS**, was given a favorable with amendment recommendation by the committee. The legislation requires no permits for associated amenity structures constructed on fishing piers if local government has the responsibility for the planning and zoning to authorize construction of those amenity structures. In addition, associated amenity structures do not include those used as overnight accommodations or those consisting of more than two stories above the pier decking.

The committee gave a favorable with amendment report to **H.3587**, regarding **DREDGING CANALS**. This legislation adds an exemption for maintenance dredging in existing navigational canals in the Cherry Grove community.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

JUDICIARY

The Judiciary Committee met on Tuesday, March 1, and reported out several items.

H.3658, which enacts the “**SOUTH CAROLINA EMPLOYER FREE SPEECH ACT**,” received a favorable report from the full committee. This legislation provides that an employer in this State is not required to post, physically, electronically, or otherwise, notices informing employees of their rights under the National Labor Relations Act, court

decisions implementing those rights, or information pertaining to the enforcement of those rights.

The Judiciary Committee gave a favorable recommendation to **H.3438** which allows **EXCLUSION OF CERTAIN ITEMS FROM LIENS FOR REPAIR OR STORAGE**. Relating to liens for repair or storage, this legislation excludes from these liens the contents of a towed, stored, or repaired motor vehicle, trailer, mobile home, watercraft, or other item or object subject to towing, storage, or repair.

S.277 received a favorable report. This legislation **RATIFIES AN AMENDMENT TO THE STATE CONSTITUTION TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION**. This amendment was approved by voters at the last general election.

The full committee gave a favorable with amendment report to **H.3267**, legislation providing for the **CONSOLIDATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES WITH THE DEPARTMENT OF CORRECTIONS**. This legislation transfers all functions, powers, duties, responsibilities and authority statutorily exercised by the Department of Probation, Parole and Pardon Services to the Department of Corrections, Division of Probation, Parole and Pardon Services.

H.3667 received a favorable recommendation. This legislation **ESTABLISHES THE FELONY OFFENSE OF CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE** when the actor is over the age of fourteen and commits certain acts with a child under the age of sixteen; the legislation includes an exception for certain consensual conduct when the actor is eighteen years of age or less and the other person is at least fourteen years of age. The legislation also repeals section 16-15-140, relating to committing or attempting to commit a lewd act upon a child under the age of sixteen.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, March 1, 2011, and reported out several bills.

H.3012, regarding the “**LICENSURE OF IN-HOME CARE PROVIDER ACT**” was given a favorable with amendment recommendation from the full committee. The legislation requires the Department of Health and Environmental Control (DHEC) to establish a licensure program for in-home care providers. “In-home care” means assistance with activities of daily living and personal care. An in-home care provider is defined as a person or business that directly provides in-home care services through its own employees or through contractual arrangements. DHEC must include standards for liability insurance in in-home care regulations. The legislation requires drug testing for

licensed in-home care providers and for their employees and makes them subject to random drug testing.

In-home care provider does not include a licensed home health agency or hospice; an individual who cleans houses; a residential program and its employees which is operated or contracted for operation by the Department of Mental Health (DMH) or the Department of Disabilities and Special Needs (DDSN); DDSN Family Support Program services including, but not limited to, family support services coordination, information, referral, advocacy, educational materials, emergency and outreach services, and other individual and family centered assistance services ; an in-home care services obtained through churches and other religious institutions as long as the care is provided without compensation or for a nominal fee to cover incidental expenses; or individuals hired directly by the person receiving care or by his family.

H.3038, relating to **TATOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS** was given a favorable recommendation from the committee. This bill allows a tattoo facility to include the sale of merchandise with images and language promoting the art and culture of tattooing.

H.3170, relating to the **STUDY COMMITTEE ON VETERAN HOMELESSNESS** was given a favorable with amendment recommendation from the committee. This joint resolution establishes a committee to study issues affecting veteran homelessness. The committee shall study the approximate number of homeless veterans residing in this state; the approximate number of South Carolina veterans who have been diagnosed with post traumatic stress disorder; the root causes of veteran homelessness and reasons why traditional veterans affairs services are not alleviating the situation, particularly with regard to job placement services; and the availability of basic human services to most economically disadvantaged veterans. The committee shall consider information and recommendations from the State Office of Veterans Affairs, the veteran community, as well as organizations and healthcare facilities that provide services for homeless veterans.

The committee is comprised of three members of the Senate and three members of the House of Representatives. The committee shall render a written report of its findings and recommendations to the General Assembly and to the Governor not later than January 31, 2012, at which time the committee shall be dissolved and this joint resolution shall expire.

H.3378, dealing with the **EMERGENCY DETENTION OF TUBERCULOSIS PATIENTS** was given a favorable recommendation from the full committee. This bill updates and revises the existing TB treatment and commitment statute. The bill establishes procedures for DHEC to use when issuing an emergency order for TB treatment, observed therapy compliance, and emergency detention and isolation when the department determines it is necessary to protect the public health or the health of the individual. The person would be detained in a health care facility designated by DHEC. An emergency order must include notice to the patient that the patient has the right to request release from isolation. Without a court order, detention under an emergency order may not continue more than 30 days. If a detained person leaves the facility without medical permission, a probate judge will request the county sheriff return the patient to the facility or prison facility if necessary. Tuberculosis (TB) is a bacterial disease found primarily in the lungs. It is spread from person to person through the air by

coughing. According to DHEC, approximately 150,000 South Carolinians are infected with TB. South Carolina has consistently ranked among the top 10 states nationally in the number of new cases.

H.3496, relating to the **BLOOD BORNE DISEASE CONFIDENTIALITY REQUIREMENT** was given a favorable recommendation from the committee. The South Carolina Department of Health and Environmental Control is required to keep records regarding sexually transmitted diseases, including HIV/AIDS, strictly confidential except in specific circumstances. In cases involving a minor, DHEC is required to report the child's name and medical information to appropriate agents if a report is required by the Child Protection Act. In addition, if a public school student has AIDS or HIV, DHEC is required to notify the school district superintendent and the school nurse. This bill will delete the public school notification requirement. The bill also requires each school district to adopt the Centers for Disease Control and Prevention (CDC) recommendations on universal precautions for blood borne disease exposure and communicate the appropriate procedures with each school within the district.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3772 LANDPLASTER REGULATIONS Rep. Hardwick

The legislation adds landplaster to the "South Carolina Agricultural Liming Materials Act". Landplaster is defined as a product consisting chiefly of calcium sulfate with two combined water molecules and is incapable of neutralizing soil acidity. The legislation outlines certain reporting requirements for landplaster and revises the provisions relating to the payment of assessments levied by the State Crop Pest Commission.

EDUCATION AND PUBLIC WORKS

H.3768 STUDENT ATHLETES AND CONCUSSIONS Rep. McCoy

This legislation requires the Department of Education to develop and distribute model policies concerning the nature and risk of concussions sustained by student athletes. The legislation requires each local school district to develop its own policy, and it requires the review of the policy by student athletes and their parents or guardians. The

legislation requires the removal from play and medical evaluation of a student athlete believed to have sustained a concussion during play. The legislation allows for the evaluation to be undertaken by a volunteer health care provider. In addition, local school districts may provide the guidelines established by the department to organizations sponsoring athletic activity for student athletes on school property; local school districts are not required to enforce compliance with these policies.

JUDICIARY

H.3765 MAILING OR SERVICE OF AN ORDER OF PROTECTION FROM DOMESTIC ABUSE Rep. Sandifer

Relating to mailing or service of an order of protection from domestic abuse, this legislation requires service of an order of protection on a respondent within 48 hours of its issuance.

H.3766 SECTION 16-23-440(A) ADDED TO THE LIST OF VIOLENT CRIMES Rep. J. M. Neal

This bill adds Section 16-23-440(A), the crime of discharging a firearm into a dwelling house, other building, structure, or enclosure regularly occupied by persons, to the delineated list of violent crimes.

H.3767 "SPECIAL INVESTIGATIVE GRAND JURIES ACT" Rep. Herbkersman

This legislation enacts the "Special Investigative Grand Juries Act" to authorize circuit solicitors to apply for an order convening a circuit-wide special investigative grand jury under certain circumstances. The legislation provides for the empanelment of the special investigative grand jury and provides the powers of the circuit solicitor when the special investigative grand jury is convened.

H.3769 "JAYDEN'S LAW" Rep. J. M. Neal

This legislation enacts "Jayden's Law" so as to create the felony offense of illegal possession of firearm during the commission of certain other offenses causing bodily injury to another person. The legislation provides a criminal penalty and provides for confiscation of the illegally possessed firearm.

H.3773 SOUTH CAROLINA STATE POLICE Rep. Crosby

This legislation establishes the South Carolina State Police as an administrative agency of state government which is comprised of a Division of Public Safety and a State Law Enforcement Division. The Governor, with the advice and consent of the Senate, shall appoint the director of the department who shall serve a term of four years.

H.3789 JURISDICTION OF A LAW ENFORCEMENT OFFICER IN PURSUIT OF AN OFFENDER Rep. McLeod

Relating to the jurisdiction of a law enforcement officer in pursuit of an offender, this legislation increases the limit where the town or city's jurisdiction ceases from three miles to five miles of the corporate limits.

H.3791 ELIGIBILITY TO BE ELECTED OR APPOINTED TO SERVE ON A SCHOOL DISTRICT BOARD OF TRUSTEES Rep. Pitts

This legislation provides that a person who has been convicted of a felony pursuant to state or federal law concerning illicit traffic in narcotics or dangerous substances or who

has been convicted of an offense that requires the person to register for the sex offender registry may not be popularly elected or appointed to serve on a school district board of trustees in this State.

H.3792 *CONDITIONS UPON WHICH A PERSON MAY OPERATE A VESSEL DISPLAYING, REFLECTING, OR FLASHING A BLUE LIGHT*

Rep. Rutherford

This legislation provides that a person shall not operate a vessel displaying, or using a rotating, strobing, flashing, or intermittently reflecting blue light consistent with those used by a law enforcement agency unless a duly commissioned law enforcement officer is on board. The operator of a vessel being approached by a vessel flashing a blue light with a law enforcement officer on board shall stop or maneuver in a way as to permit boarding, so far as possible without endangering his vessel, and not begin normal movement again until directed by the law enforcement officer or until the vessel flashing a blue light has cleared the immediate area. The operator of a vessel approaching an area where a vessel flashing a blue light with a law enforcement officer on board is located or patrolling shall slow his vessel to a no wake speed and shall maintain the speed until clear of the area. A person violating these provisions is guilty of a misdemeanor and, upon conviction, must be fined not less than \$25 nor more than \$500, or imprisoned not more than 30 days for each violation.

H.3793 *'BATH SALTS' ADDED TO THE LIST OF SCHEDULE I DRUGS*

Rep. Thayer

This legislation adds Methylone, MDPV, Mephedrone, Methoxymethcathinone, and Fluroromethcathinone, commonly referred to as 'bath salts,' to the list of Schedule I drugs.

H.3796 *SOUTH CAROLINA COMMISSION FOR THE REVIEW OF THE JUDICIAL AND CRIMINAL JUSTICE SYSTEMS*

Rep. Bowers

This is a joint resolution to establish the South Carolina Commission for the Review of the Judicial and Criminal Justice Systems and relevant laws. This legislation provides for the membership, powers, and duties of the commission, provides for the staffing of the commission, and provides for the termination of the commission by February 1, 2012.

H.3797 *ESTABLISHMENT OF THE OFFENSE OF COMMITTING A DRIVE-BY SHOOTING*

Rep. Bowers

This legislation provides that a person who recklessly discharges a firearm in a manner which creates a substantial risk of death or great bodily injury to another person and the discharge of the firearm is from a motor vehicle, as defined in Section 38-77-30, or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge of the firearm is guilty of a felony and, upon conviction, must be fined not more than \$10,000 or imprisoned not more than ten years, or both.

H.3799 *REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES AFTER THE DECENNIAL CENSUS OF 2010*

Rep. Bowers

This legislation requires, beginning with the reapportionment of the House of Representatives after the decennial census of 2010, the House of Representatives to reapportion itself so that a house district must be wholly contained within a county if the

county has sufficient population. The legislation also requires all districts to be wholly contained within each regional council of government.

H.3805 ESTABLISHMENT OF THE OFFENSE OF ASSAULT WHILE ON PROBATION, PAROLE OR UNDER BOND FOR ANOTHER OFFENSE
Rep. Bowers

This legislation provides that a person who commits an assault of another person while he is currently on probation, parole, or under bond for another offense, is guilty of the felony offense of assault while on probation, parole, or under bond and, upon conviction, must be fined not more than \$10,000 or imprisoned for not more than 30 years, or both.

H.3808 CONSUMER LOAN TRANSACTIONS Rep. J. E. Smith

This legislation provides that a violation of federal law as to certain consumer loan transactions is a violation of state law.

LABOR, COMMERCE AND INDUSTRY

H.3778 AUTOMOBILE INSURER NOTIFICATION REQUIREMENTS FOR PREMIUM INCREASES BASED ON CREDIT REPORTS Rep. Frye

This bill provides that if the premiums of an insured are increased by an automobile insurer because of a credit report, the insurer shall notify the insured of this fact and include a copy of the pertinent credit report at no cost to the insured.

WAYS AND MEANS

S.434 SUSPENSION OF THE PROVISION PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING MEDICAID PROVIDER RATES Sen. Peeler

This joint resolution suspends a Fiscal Year 2010-2011 General Appropriations Act provision prohibiting the Department of Health and Human Services from reducing Medicaid Program provider rates. All proposed changes must include estimates of the projected dollar savings by source of funds and the number of providers and clients impacted. Six months after receiving approval from the Centers for Medicare and Medicaid Services to implement rate changes, the Department of Health and Human Services must submit to the Senate Finance Committee and House Ways and Means Committee a report reconciling actual savings by source of funds and actual providers and clients impacted in comparison to the estimate.

H.3761 SCHOOL DISTRICT SUPERINTENDENT COMPENSATION PACKAGE LIMITATION Rep. Jefferson

This bill provides that a compensation package offered to a superintendent of a school district of this State must total at least one hundred fifty thousand dollars, but may not exceed one hundred seventy thousand dollars. The legislation specifies that a compensation package means all forms of payment extended to the superintendent including fringe benefits and professional and personal membership fees.

H.3762 UNEMPLOYMENT INSURANCE TRUST FUND FEDERAL LOAN REPAYMENT Rep. Cooper

This bill revises provisions governing the Unemployment Insurance Trust Fund, so as to provide that, in a year in which the fund is in debt status, the Department of Employment and Workforce, amongst other estimates, must estimate the amount of income necessary to repay all outstanding federal loans within eight years, rather than five years.

H.3777 GEOTHERMAL HEAT PUMP SYSTEM INCOME TAX CREDIT

Rep. Pinson

This bill provides for an income tax credit in an amount equal to twenty-five percent of the costs incurred by a taxpayer in the purchase and installation of a geothermal heat pump system.

H.3779 "BILL WYLIE ENTREPRENEURSHIP ACT OF 2011" Rep. Brady

This bill enacts the "Bill Wylie Entrepreneurship Act of 2011" to encourage greater availability of early stage capital for emerging high-growth enterprises in South Carolina by providing for state nonrefundable "angel investor" income tax credits allocated by the Department of Commerce for qualified investments in businesses primarily engaged in such endeavors as manufacturing, processing, warehousing, wholesaling, software development, information technology services, and research and development.

H.3787 LOCAL GOVERNMENT EXPENDITURE OF ACCOMMODATIONS TAX REVENUE Rep. Owens

This bill requires counties and municipalities to make expenditures in compliance with the provisions governing the allocation of accommodations tax revenue. Legal challenges asserting noncompliance by a municipality or county are under the jurisdiction of the Administrative Law Court. The legislation revises provisions relating to the allocation, management, and use of the special fund for tourism, so as to eliminate the South Carolina Accommodations Tax Oversight Committee approval requirement for granting certain time extensions. The legislation revises annual reporting requirements of the South Carolina Accommodations Tax Oversight Committee, so as to eliminate the requirement that municipalities and counties submit annual reports to the oversight committee. The legislation eliminates the Tourism Expenditure Review Committee.

H.3788 "HERITAGE GOLF FINANCIAL PRESERVATION ACT"

Rep. Herbkersman

This bill enacts the "Heritage Golf Financial Preservation Act."

H.3794 PROPERTY TAX ASSESSMENT OF A RESIDENCE MAINTAINED FOR

A PARENT Rep. Bowers

This bill establishes conditions under which the property tax assessment ratio on a residence which an owner maintains for a parent who occupies it as their principal residence shall be four percent.

H.3795 LOCAL GOVERNMENT SERVICE AND USER FEES Rep. Bowers

This bill provides that any local government service or user fee imposed after July 1, 2011, or any fee increase, shall apply to the property tax millage rate increase limitation. The legislation provides that any local government service or user fee authorized by ordinance after July 1, 2011, also must be approved by referendum.

H.3798 PROPOSED CONSTITUTIONAL AMENDMENT FOR A TEMPORARY

***PROPERTY TAX EXEMPTION FOR COMMERCIAL IMPROVEMENTS
IN SMALL MUNICIPALITIES Rep. Bowers***

This joint resolution proposes to amend provisions of the South Carolina Constitution governing the taxation of real property, so as to authorize a municipality with a population of less than five thousand to exempt from municipal ad valorem taxation, for not more than five years, improvements to commercial property.

***H.3800 TAXATION OF PROPERTY CONTIGUOUS TO A LEGAL RESIDENCE
Rep. Bowers***

This bill provides that any real property and improvements thereon, owned by a taxpayer, within a one mile radius of the taxpayer's legal residence, that qualifies for the special four percent assessment ratio, shall be considered contiguous to the legal residence. However, a taxpayer may not claim the special four percent assessment ratio on more than five acres.

***H.3801 VACATION TIME SHARING SUBJECTED TO THE
ACCOMMODATIONS TAX Rep. Bowers***

This bill revises the tax on accommodations for transients, so as to include accommodations pursuant to a vacation time sharing plan unless the dwelling unit is occupied by the actual purchaser of record.

***H.3802 TEMPORARY ABATEMENT OF PROPERTY TAXES ON
IMPROVEMENTS WITHIN A MUNICIPAL PRESERVATION DISTRICT
Rep. Bowers***

This bill provide that all municipal ad valorem property taxes which would otherwise be imposed on new improvements to real property located in a preservation district established by a municipality of this State within its corporate limits are abated for a period of five calendar years beginning with the first day of January after the establishment of the district. The legislation provides that a municipality, within its general authority, is permitted by ordinance to establish such preservation districts in the manner and under the terms and conditions it considers appropriate.

***H.3803 TAXATION OF MULTIUNIT RESIDENTIAL REAL PROPERTY
Rep. Bowers***

This bill provides that multiunit residential real property containing four units or less which each unit occupant occupies as his principal residence on a rental or ownership basis must be taxed on an assessment equal to four percent of the fair market value of the property. The legislation provides for this reduced ratio by means of a property tax exemption.

**H.3804 ASSESSABLE TRANSFERS OF INTEREST FOR PROPERTY TAX
PURPOSES Rep. Bowers**

This bill revises provisions governing when assessable transfers of interest occur for purposes of appraising real property for imposition of the property tax, so as to provide that an assessable transfer of interest does not include any transfer when the beneficial ownership of the property has not changed.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

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